

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 04-34656

Donald J. and Sheila J. Meaden,

Debtors.

**NOTICE OF HEARING AND
OBJECTION TO CLAIMED
EXEMPT PROPERTY**

1. John A. Hedback, the duly appointed trustee for the bankruptcy estate in the above-referenced bankruptcy case hereby gives notice of his objection to claimed exempt property and provides notice of hearing herewith.

2. The Court will hear this objection on November 15, 2004, at 10:30 a.m., or as soon thereafter as counsel can be heard in Courtroom 228A, 228 Federal Building, 316 North Robert Street, St. Paul, Minnesota.

3. Any responses to this objection shall be filed and delivered no later than November 4, 2004, at 10:30 a.m. which is seven (7) business days prior to the hearing, or mailed no later than November 1, 2004, which is ten (10) days prior to the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion under Sections 175 and 1334 of Title 28 of the United States Code. This motion is brought pursuant to Section 522 of the Bankruptcy Code and local Rule 4003-1. This is a core proceeding.

5. The Debtor(s), in Schedule C, claimed as exempt the following property:

- a. Debtor's homestead legally described as Lot 10, Block 4 Southcross Heights First Addition, Dakota County, Minnesota.

6. Debtors claimed this property had a value of \$230,000 and claimed that property exempt under Section 522(d)(1) to the extent of \$20,881. Debtors testified at the Meeting of Creditors that the property had been appraised at \$240,000. Trustee contends that Debtors' claim of exemption is inadequate to exempt the entire property.

WHEREFORE, the trustee requests an order:

- (A) Sustaining the trustee's objections to the Debtor's claimed exemption of the Property; and

(B) Granting any other relief the Court deems just and proper.

Dated: October 5, 2004

_____/s/ John A. Hedback_____
John A. Hedback, Atty #142438
Trustee
2855 Anthony Lane South, Suite 201
St. Anthony, MN 55418
(612) 436-3280

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

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Donald J. and Sheila J. Meaden,

Debtor(s).

UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of Hedback, Arendt & Carlson, PLLC, attorneys licensed to practice law in this Court, with offices located at Suite 201 Anthony Place, 2855 Anthony Lane South, St. Anthony, Minnesota, declares that on the date indicated below, I served the following:

1. Notice of Hearing and Objection to Claimed Exempt Property;
2. Proposed Order; and
3. Unsworn Declaration for Proof of Service

upon each of the entities named below by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Anthony, Minnesota, addressed to each of them as follows:

Donald J. and Sheila J. Meaden
14813 Greenridge Lane
Burnsville, MN 55306

Joseph L. Kelly
KELLY LAW OFFICE
12400 Portland Avenue South
Suite 120
Burnsville, MN 55337

Office of United States Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: October 5, 2004

_____/e/ John A. Hedback_____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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Donald J. and Sheila J. Meaden,

ORDER

Debtor.

This bankruptcy case came before the Court on objection by the Trustee to certain claim(s) of exempt property by the Debtor(s). Appearances were noted on the record. Based on the objection, argument of counsel and the files, records and proceedings herein,

IT IS HEREBY ORDERED: that the Trustee's Objection to Claimed Exempt Property is sustained. Debtor's interest in the following property is not exempt:

- a. Debtor's homestead legally described as Lot 10, Block 4 Southcross Heights First Addition, Dakota County, Minnesota.

BY THE COURT

Dated:_____

U.S. Bankruptcy Judge

